

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-1017.01 Michael Dohr x4347

**HOUSE BILL 19-1226**

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**HOUSE SPONSORSHIP**

**Herod and Soper,**

**SENATE SPONSORSHIP**

**Lee,**

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101       **CONCERNING CHANGES TO RELEASE ON BOND, AND, IN CONNECTION**  
102               **THEREWITH, THE DEVELOPMENT OF A PRETRIAL SCREENING**  
103               **PROCESS AND ADMINISTRATIVE ORDER FOR RELEASE WITHOUT**  
104               **ANY MONETARY CONDITIONS; CREATING A PRESUMPTION OF**  
105               **RELEASE WITH THE LEAST RESTRICTIVE CONDITIONS AND**  
106               **WITHOUT MONETARY CONDITIONS; SPECIFYING THE**  
107               **INFORMATION THE COURT CONSIDERS WHEN MAKING**  
108               **DETERMINATIONS ABOUT TYPE OF BOND AND CONDITIONS OF**  
109               **RELEASE; AND A REQUIREMENT FOR PRETRIAL SERVICES**  
110               **PROGRAMS THROUGHOUT THE STATE.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does*

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

*not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

Under current law, if a defendant is arrested for certain crimes and the court determines that the public would be in significant peril if the accused is released, the defendant is not bailable. The bill removes from the list of crimes that are not bailable the crime of possession of a weapon by a previous offender and sex assault crimes.

The bill requires each judicial district to develop:

- ! A pretrial screening process; and
- ! A chief judge administrative order specifying written criteria for the immediate release of certain defendants without any monetary conditions.

The office of the state court administrator shall develop statewide standards and guidelines for the pretrial screening process and written criteria for immediate release of certain defendants without any monetary conditions.

The bill creates a presumption that a defendant should be released with the least restrictive conditions possible and without monetary conditions unless the court finds one or more of the following:

- ! The person poses a substantial risk of danger to the safety of any person or the community; or
- ! There is a substantial risk that the person will not appear in court as required; or
- ! There is a substantial risk that the person will attempt to obstruct the criminal process; and
- ! There are no reasonable nonmonetary conditions of release that reasonably assure:
  - ! The safety of any person or the community;
  - ! That the person will appear in court as required; or
  - ! That the person will not attempt to obstruct the criminal justice process.

The bill requires the court to consider the results of empirically developed and validated risk assessment instruction when making determinations about the type of bond and conditions of release, but the assessment cannot be the sole basis for the decision. The bill outlines the other factors to consider in selecting the type of bond and conditions of release.

The bill delineates the types of bond that a court can set:

- ! An unsecured personal recognizance bond, which may include an amount specified by the court;
- ! An unsecured personal recognizance bond with additional nonmonetary conditions of release designed specifically to reasonably ensure the appearance of the person in court and

- the safety of any person or persons or the community;
- ! A bond with secured monetary conditions; and
- ! A bond with secured real estate conditions when the court determined that release on an unsecured personal recognizance bond without monetary conditions will not reasonably ensure the appearance of the person in court or the safety of any person or persons or the community.

The bill requires all counties and cities and counties to develop a pretrial services program by July 1, 2020. A community advisory board is established in each county or city and county to develop the plan for the pretrial services program. The chief judge shall approve the plan developed by the community advisory board prior to implementing and starting the pretrial services program. The bill creates a funding program to allow judicial districts to develop and sustain pretrial programs. The office of the state court administrator shall develop minimum standards for pretrial services programs, and the bill specifies other criteria for pretrial services programs.

The bill specifies how a defendant, prosecuting attorney, or bonding and release commissioner can ask for a review and modification of bond.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** In Colorado Revised Statutes, 16-4-101,   **repeal**  
 3 (1)(b)(IV) and (1)(b)(V) as follows:

4           **16-4-101. Bailable offenses - definitions.** (1) All persons shall  
 5 be bailable by sufficient sureties except:

6           (b) When, after a hearing held within ninety-six hours of arrest  
 7 and upon reasonable notice, the court finds that the proof is evident or the  
 8 presumption is great as to the crime alleged to have been committed and  
 9 finds that the public would be placed in significant peril if the accused  
 10 were released on bail and such person is accused in any of the following  
 11 cases:

12           ~~(IV) A crime of possession of a weapon by a previous offender~~  
 13 ~~alleged to have been committed in violation of section 18-12-108 (2)(b),~~  
 14 ~~(2)(c), (4)(b), (4)(c), or (5), C.R.S.;~~

1           (V) ~~Sexual assault, as described in section 18-3-402, sexual~~  
2 ~~assault in the first degree, as described in section 18-3-402, as it existed~~  
3 ~~prior to July 1, 2000, sexual assault in the second degree, as described in~~  
4 ~~section 18-3-403, as it existed prior to July 1, 2000, sexual assault on a~~  
5 ~~child, as described in section 18-3-405, or sexual assault on a child by one~~  
6 ~~in a position of trust, as described in section 18-3-405.3 in which the~~  
7 ~~victim is fourteen years of age or younger and seven or more years~~  
8 ~~younger than the accused.~~

9

10           SECTION 2. In Colorado Revised Statutes, **amend** 16-4-102 as  
11 follows:

12           **16-4-102. Right to bail - before conviction.** Any person who is  
13 ~~in custody, and for whom the court has not set bond and conditions of~~  
14 ~~release pursuant to the applicable rule of criminal procedure, and who is~~  
15 ~~not subject to the provisions of section 16-4-101 (5), ARRESTED AND HAS~~  
16 ~~NOT BEEN RELEASED PURSUANT TO SECTION 16-4-103 has the right to a~~  
17 ~~hearing to determine bond and conditions of release. A person in custody~~  
18 ~~may also request a hearing so that bond and conditions of release can be~~  
19 ~~set. Upon receiving the request, the judge shall notify the district attorney~~  
20 ~~immediately of the arrested person's request, and the district attorney shall~~  
21 ~~have the right to attend and advise the court of matters pertinent to the~~  
22 ~~type of bond and conditions of release to be set. The judge shall also~~  
23 ~~order~~ REQUIRE the appropriate law enforcement agency having custody  
24 of the prisoner to bring him or her before the court forthwith, and the  
25 judge shall set bond and conditions of release if the offense for which the  
26 person was arrested is bailable. It shall not be a prerequisite to bail that  
27 a criminal charge of any kind has been filed.

1           **SECTION 3.** In Colorado Revised Statutes, **repeal and reenact,**  
2 **with amendments,** 16-4-103 as follows:

3           **16-4-103. Setting and selection type of bond - development of**  
4 **criteria by each judicial district - assessment and release program.**

5 (1) EACH JUDICIAL DISTRICT SHALL DEVELOP, ON OR BEFORE MARCH 31,  
6 2020, FOR IMPLEMENTATION BY JULY 1, 2020:

7           (a) A PRETRIAL RELEASE SCREENING PROCESS TO ASSESS EACH  
8 PERSON AS SOON AS PRACTICABLE BUT NO LATER THAN TWENTY-FOUR  
9 HOURS AFTER ADMISSION TO A DETENTION FACILITY;

10           (b) AN ADMINISTRATIVE ORDER OF THE CHIEF JUDGE OF THAT  
11 JUDICIAL DISTRICT SPECIFYING WRITTEN CRITERIA ALLOWING FOR THE  
12 IMMEDIATE PRETRIAL RELEASE OF CERTAIN DETAINED PERSONS ON A  
13 SUMMONS OR AN UNSECURED PERSONAL RECOGNIZANCE BOND WITHOUT  
14 MONETARY CONDITIONS AFTER THE PRETRIAL ASSESSMENT IS COMPLETED  
15 AND WITHOUT AN INITIAL HEARING BEFORE THE COURT. THE CRITERIA FOR  
16 RELEASE MUST BE DEVELOPED IN CONJUNCTION WITH ALL LOCAL  
17 STAKEHOLDERS, WHICH INCLUDE BUT ARE NOT BE LIMITED TO A  
18 REPRESENTATIVE OF THE DISTRICT ATTORNEY'S OFFICE, THE PUBLIC  
19 DEFENDER, THE SHERIFF'S DEPARTMENT, THE PRETRIAL SERVICES  
20 PROGRAM, A VICTIM ADVOCATE, AND THE OFFICE OF THE STATE COURT  
21 ADMINISTRATOR. EACH JUDICIAL DISTRICT SHALL ALSO, IN THE  
22 DEVELOPMENT OF THE CRITERIA, SOLICIT AND OBTAIN THE INPUT OF AT  
23 LEAST ONE INDIVIDUAL WHO HAS BEEN INCARCERATED IN THE JUDICIAL  
24 DISTRICT BECAUSE OF AN INABILITY TO PAY A MONETARY CONDITION OF  
25 BOND AND CONSIDER THE INPUT IN THE DEVELOPMENT OF THE  
26 ADMINISTRATIVE ORDER.

27           (2) THE OFFICE OF THE STATE COURT ADMINISTRATOR SHALL

1 DEVELOP STATEWIDE STANDARDS AND GUIDELINES FOR THE  
2 DEVELOPMENT OF BOTH THE PRETRIAL RELEASE SCREENING AND THE  
3 WRITTEN CRITERIA FOR PRETRIAL RELEASE AS REQUIRED BY SUBSECTION  
4 (1) OF THIS SECTION. THE OFFICE OF THE STATE COURT ADMINISTRATOR  
5 SHALL DEVELOP THE STATEWIDE STANDARDS AND GUIDELINES IN  
6 CONJUNCTION WITH A REVIEW OF THE RELEVANT RESEARCH AND BEST  
7 PRACTICES MODELS THROUGHOUT THE COUNTRY, WHICH INCLUDE, BUT  
8 ARE NOT LIMITED TO:

9 (a) THE IMPACT OF DETENTION ON LOW-RISK PERSONS AND  
10 RECIDIVISM;

11 (b) THE NATIONAL AND STATE DATA AND RESEARCH REGARDING  
12 THE USE OF NONMONETARY CONDITIONS OF BOND AS THEY RELATE TO  
13 SAFETY OF ANY PERSON OR THE COMMUNITY AND APPEARANCE RATES;  
14 AND

15 (c) THE RELEVANT CASE LAW AND NATIONAL BEST PRACTICES  
16 REGARDING THE USE OF MONETARY CONDITIONS OF BOND.

17 (3) IN THE CHIEF JUDGE ADMINISTRATIVE ORDER CREATED  
18 PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION, THE CHIEF JUDGE OF  
19 THE JUDICIAL DISTRICT SHALL DESIGNATE A PERSON, AGENCY, OR  
20 PROGRAM FOR EACH DETENTION FACILITY WITHIN THE JUDICIAL DISTRICT  
21 TO CONDUCT THE PRETRIAL RELEASE SCREENING TO ALLOW FOR RELEASE  
22 OF PERSONS TAKEN INTO CUSTODY BY LAW ENFORCEMENT OFFICIALS. THE  
23 CHIEF JUDGE SHALL ALSO DESIGNATE A PERSON, AGENCY, OR PROGRAM AS  
24 A BONDING AND RELEASE COMMISSIONER, AS DEFINED IN SECTION  
25 16-4-109 (4)(b), WHO IS AUTHORIZED TO RELEASE PERSONS ASSESSED  
26 ELIGIBLE FOR RELEASE PURSUANT TO THE CRITERIA WITHOUT MONETARY  
27 CONDITIONS OF BOND. ALL RELEASES ON NONMONETARY BONDS MUST

1 INCLUDE THE STANDARD AND STATUTORILY MANDATED BOND CONDITIONS  
2 PURSUANT TO SECTION 16-4-105 AND MAY INCLUDE ANY OTHER  
3 APPROPRIATE AND NECESSARY NONMONETARY CONDITIONS AS  
4 DETERMINED BY THE PRETRIAL SCREENING PROCESS AND THE WRITTEN  
5 RELEASE CRITERIA OF EACH JURISDICTION.

6 (4) THIS SECTION DOES NOT PROHIBIT THE RELEASE OF A  
7 DEFENDANT PURSUANT TO LOCAL PRETRIAL RELEASE POLICIES THAT  
8 REQUIRE PAYMENT OF A MONETARY CONDITION OF RELEASE PRIOR TO AN  
9 INDIVIDUALIZED DECISION BY A JUDGE OR JUDICIAL OFFICER.

10 SECTION 4. In Colorado Revised Statutes, **repeal and reenact,**  
11 **with amendments,** 16-4-104 as follows:

12 16-4-104. **Initial hearing - types of bond set by the court -**  
13 **factors for setting conditions of bond - right to counsel.** (1) AT THE  
14 INITIAL HEARING, IF THE PERSON IS NOT RELEASED PURSUANT TO THE  
15 PROVISIONS OF SECTION 16-4-103, THE COURT SHALL DETERMINE THE  
16 TYPE OF BOND AND THE CONDITIONS OF RELEASE. IN MAKING THAT  
17 DETERMINATION, THE COURT SHALL PRESUME THE RELEASE OF THE  
18 PERSON WITH THE LEAST RESTRICTIVE CONDITIONS. THE COURT SHALL  
19 FURTHER PRESUME RELEASE OF THE DEFENDANT WITHOUT THE USE OF ANY  
20 MONETARY CONDITIONS OF BOND UNLESS THE COURT FINDS THAT:

21 (a) ONE OR MORE OF THE FOLLOWING EXIST:

22 (I) THE PERSON POSES A SUBSTANTIAL RISK OF DANGER TO THE  
23 SAFETY OF ANY PERSON OR THE COMMUNITY; OR

24 (II) THERE IS A SUBSTANTIAL RISK THAT THE PERSON WILL  
25 ATTEMPT TO FLEE PROSECUTION; OR

26 (III) THERE IS A SUBSTANTIAL RISK THAT THE PERSON WILL  
27 ATTEMPT TO OBSTRUCT OR OTHERWISE WILLFULLY AVOID THE CRIMINAL

1 PROCESS; AND

2 (b) THERE ARE NO REASONABLE NONMONETARY CONDITIONS OF  
3 RELEASE THAT REASONABLY ENSURE:

4 (I) THE SAFETY OF ANY PERSON OR THE COMMUNITY;

5 (II) THAT THE PERSON WILL ATTEMPT TO FLEE PROSECUTION; OR

6 (III) THAT THE PERSON WILL NOT ATTEMPT TO OBSTRUCT OR  
7 OTHERWISE WILLFULLY AVOID THE CRIMINAL JUSTICE PROCESS.

8 (2) IN MAKING THE DETERMINATION ABOUT THE TYPE OF BOND  
9 AND CONDITIONS OF RELEASE, THE COURT SHALL CONSIDER: ■ ■

10 (a) THE INDIVIDUAL CIRCUMSTANCES OF THE DEFENDANT,  
11 INCLUDING HIS OR HER FINANCIAL CIRCUMSTANCES;

12 (b) THE NATURE AND SEVERITY OF THE ALLEGED OFFENSE;

13 (c) VICTIM INPUT, IF RECEIVED;

14 (d) ALL METHODS OF RELEASE TO AVOID UNNECESSARY PRETRIAL  
15 INCARCERATION AND TO AVOID UNNECESSARY LEVELS OF SUPERVISION AS  
16 CONDITIONS OF PRETRIAL RELEASE;

17 (e) THE WRITTEN CRITERIA FOR PRETRIAL RELEASE DEVELOPED BY  
18 THE JUDICIAL DISTRICT PURSUANT TO SECTION 16-4-103 (1)(b);

19 (f) THE EMPLOYMENT STATUS AND HISTORY OF THE PERSON IN  
20 CUSTODY;

21 (g) THE NATURE AND EXTENT OF FAMILY RELATIONSHIPS OF THE  
22 PERSON IN CUSTODY;

23 (h) PAST AND PRESENT RESIDENCES OF THE PERSON IN CUSTODY;

24 (i) THE CHARACTER AND REPUTATION OF THE PERSON IN CUSTODY;

25 (j) IDENTITY OF PERSONS WHO AGREE TO ASSIST THE PERSON IN  
26 CUSTODY IN ATTENDING COURT AT THE PROPER TIME;

27 (k) THE LIKELY SENTENCE, CONSIDERING THE NATURE AND

1 OFFENSE PRESENTLY CHARGED, ESPECIALLY IF THE DEFENDANT IS NOT  
2 LIKELY TO BE SENTENCED TO INCARCERATION;

3 (l) THE PRIOR CRIMINAL RECORD, IF ANY, OF THE PERSON IN  
4 CUSTODY;

5 (m) PRIOR FAILURES TO APPEAR THAT INDICATE THE PERSON IN  
6 CUSTODY'S INTENT TO FLEE OR AVOID PROSECUTION;

7 (n) ANY FACTS INDICATING THAT THE DEFENDANT IS LIKELY TO  
8 INTIMIDATE OR HARASS POSSIBLE WITNESSES;

9 (o) ANY OTHER FACTS TENDING TO INDICATE THAT THE  
10 DEFENDANT HAS STRONG TIES TO THE COMMUNITY AND IS NOT LIKELY TO  
11 FLEE THE JURISDICTION; AND

12 (p) THE RESULTS OF AN EMPIRICALLY DEVELOPED AND VALIDATED  
13 RISK ASSESSMENT INSTRUMENT DESIGNED TO IMPROVE PRETRIAL RELEASE  
14 DECISIONS BY PROVIDING THE COURT INFORMATION THAT CLASSIFIES A  
15 PERSON IN CUSTODY BASED UPON THE PREDICTED LEVEL OF RISK OF  
16 PRETRIAL FAILURE. ANY RESULTS OF A RISK ASSESSMENT PROVIDED TO  
17 THE COURT MUST INCLUDE THE RISK CATEGORY OF THE DEFENDANT  
18 ALONG WITH THE PREDICTED SUCCESS RATES FOR EACH RISK CATEGORY.  
19 HOWEVER, THE COURT SHALL NOT USE THE RESULTS OF THE INSTRUMENT  
20 AS THE SOLE BASIS FOR SETTING THE TYPE OF BOND AND CONDITIONS OF  
21 RELEASE.

22 (3) BECAUSE OF THE DANGER POSED TO ANY PERSON AND THE  
23 COMMUNITY, A PERSON WHO IS ARRESTED FOR AN OFFENSE UNDER  
24 SECTION 42-4-1301 (1) SHALL NOT ATTEND A BAIL HEARING UNTIL THE  
25 PERSON IS NO LONGER INTOXICATED OR UNDER THE INFLUENCE OF DRUGS.  
26 THE PERSON MUST BE HELD IN CUSTODY UNTIL THE PERSON MAY SAFELY  
27 ATTEND THE HEARING.

1 (4) THE TYPES OF BOND THAT MAY BE SET BY THE COURT INCLUDE:

2 (a) AN UNSECURED PERSONAL RECOGNIZANCE BOND, WHICH MAY  
3 INCLUDE AN AMOUNT SPECIFIED BY THE COURT. THE COURT MAY REQUIRE  
4 ADDITIONAL OBLIGORS ON THE BOND AS A CONDITION OF THE BOND.

5 (b) AN UNSECURED PERSONAL RECOGNIZANCE BOND WITH  
6 ADDITIONAL NONMONETARY CONDITIONS OF RELEASE DESIGNED  
7 SPECIFICALLY TO REASONABLY ENSURE THE APPEARANCE OF THE PERSON  
8 IN COURT AND THE SAFETY OF ANY PERSON OR PERSONS OR THE  
9 COMMUNITY;

10 (c) A BOND WITH SECURED MONETARY CONDITIONS SUBJECT TO  
11 THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION. UNLESS THE COURT  
12 MAKES FACTUAL FINDINGS ON THE RECORD WITH RESPECT TO THE  
13 DEFENDANT THAT A CERTAIN METHOD OF BOND, AS SELECTED BY THE  
14 COURT, IS NECESSARY TO REASONABLY ENSURE THE APPEARANCE OF THE  
15 PERSON IN COURT AND REASONABLY ENSURE THE SAFETY OF ANY PERSON  
16 OR PERSONS IN THE COMMUNITY, THE PERSON SHALL BE RELEASED FROM  
17 CUSTODY UPON EXECUTION OF BOND IN THE FULL AMOUNT OF MONEY TO  
18 BE SECURED BY ANY ONE OF THE FOLLOWING METHODS, AS SELECTED BY  
19 THE DEFENDANT:

20 (I) BY A DEPOSIT WITH THE CLERK OF THE COURT OF AN AMOUNT  
21 OF CASH EQUAL TO THE MONETARY CONDITION OF THE BOND;

22 (II) BY REAL ESTATE SITUATED IN THIS STATE WITH  
23 UNENCUMBERED EQUITY NOT EXEMPT FROM EXECUTION OWNED BY THE  
24 ACCUSED OR ANY OTHER PERSON ACTING AS SURETY ON THE BOND, WHICH  
25 UNENCUMBERED EQUITY SHALL BE AT LEAST ONE AND ONE-HALF OF THE  
26 AMOUNT OF THE SECURITY SET IN THE BOND;

27 (III) BY SURETIES WORTH AT LEAST ONE AND ONE-HALF OF THE

1 SECURITY SET IN THE BOND; OR

2 (IV) BY A BAIL BONDING AGENT, AS DEFINED IN SECTION 16-1-104  
3 (3.5).

4 (d) A BOND WITH SECURED REAL ESTATE CONDITIONS WHEN THE  
5 COURT DETERMINES THAT RELEASE ON AN UNSECURED PERSONAL  
6 RECOGNIZANCE BOND WITHOUT MONETARY CONDITIONS WILL NOT  
7 REASONABLY ENSURE THE APPEARANCE OF THE PERSON IN COURT OR  
8 REASONABLY ENSURE THE SAFETY OF ANY PERSON OR PERSONS OR THE  
9 COMMUNITY. THE CLERK OF THE COURT SHALL NOT ACCEPT A BOND  
10 SECURED BY REAL ESTATE UNLESS THE RECORD OWNER OF THE PROPERTY  
11 PRESENTS TO THE CLERK OF THE COURT THE ORIGINAL DEED OF TRUST AS  
12 DESCRIBED IN SUBSECTION (4)(d)(IV) OF THIS SECTION AND THE  
13 APPLICABLE RECORDING FEE. UPON RECEIPT OF THE DEED OF TRUST AND  
14 FEE, THE CLERK OF THE COURT SHALL RECORD THE DEED OF TRUST WITH  
15 THE CLERK AND RECORDER FOR THE COUNTY IN WHICH THE PROPERTY IS  
16 LOCATED. FOR A BOND SECURED BY REAL ESTATE, THE AMOUNT OF THE  
17 OWNER'S UNENCUMBERED EQUITY SHALL BE DETERMINED BY DEDUCTING  
18 THE AMOUNT OF ALL ENCUMBRANCES LISTED IN THE OWNER AND  
19 ENCUMBRANCES CERTIFICATE FROM THE ACTUAL VALUE OF SUCH REAL  
20 ESTATE AS SHOWN ON THE CURRENT NOTICE OF VALUATION. THE OWNER  
21 OF THE REAL ESTATE SHALL FILE WITH THE BOND ALL OF THE FOLLOWING,  
22 WHICH SHALL CONSTITUTE A MATERIAL PART OF THE BOND:

23 (I) THE CURRENT NOTICE OF VALUATION OF SUCH REAL ESTATE  
24 PREPARED BY THE COUNTY ASSESSOR PURSUANT TO SECTION 39-5-121;

25 (II) EVIDENCE OF TITLE ISSUED BY A TITLE INSURANCE COMPANY  
26 OR AGENT LICENSED PURSUANT TO ARTICLE 11 OF TITLE 10, WITHIN  
27 THIRTY-FIVE DAYS AFTER THE DATE UPON WHICH THE BOND IS FILED;

1 (III) A SWORN STATEMENT BY THE OWNER OF THE REAL ESTATE  
2 THAT THE REAL ESTATE IS SECURITY FOR THE COMPLIANCE BY THE  
3 DEFENDANT WITH THE PRIMARY CONDITION OF THE BOND; AND

4 (IV) A DEED OF TRUST TO THE PUBLIC TRUSTEE OF THE COUNTY OR  
5 CITY AND COUNTY IN WHICH THE REAL ESTATE IS LOCATED THAT IS  
6 EXECUTED AND ACKNOWLEDGED BY ALL RECORD OWNERS OF THE REAL  
7 ESTATE. THE DEED OF TRUST MUST NAME THE CLERK OF THE COURT  
8 APPROVING THE BOND AS BENEFICIARY. THE DEED OF TRUST MUST SECURE  
9 AN AMOUNT EQUAL TO ONE AND ONE-HALF TIMES THE AMOUNT OF THE  
10 BOND.

11 (5) AT THE INITIAL HEARING, THE PERSON HAS THE RIGHT TO BE  
12 REPRESENTED BY AN ATTORNEY AND MUST BE ADVISED OF THE POSSIBLE  
13 CHARGES, PENALTIES, AND HIS OR HER RIGHTS AS SPECIFIED IN RULE 5 OF  
14 THE COLORADO RULES OF CRIMINAL PROCEDURE, UNLESS WAIVED BY THE  
15 DEFENDANT. THE COURT SHALL NOTIFY THE PUBLIC DEFENDER OF EACH  
16 PERSON IN CUSTODY BEFORE THE INITIAL HEARING, AND THE PERSON HAS  
17 THE RIGHT TO BE REPRESENTED BY THE PUBLIC DEFENDER AT THAT  
18 HEARING. ADDITIONALLY, THE COURT SHALL PROVIDE THE PUBLIC  
19 DEFENDER SUFFICIENT TIME TO PREPARE FOR AND PRESENT AN  
20 INDIVIDUALIZED ARGUMENT REGARDING THE RELEASE OF THE PERSON AND  
21 ANY CONDITIONS OF RELEASE AT THE INITIAL HEARING, CONSISTENT WITH  
22 THE COURT'S DOCKET AND SCHEDULING PRIORITIES.

23 (6) THE PROSECUTING ATTORNEY HAS THE RIGHT TO APPEAR AT  
24 ALL HEARINGS TO PROVIDE HIS OR HER POSITION ON BAIL AND CONDITIONS  
25 OF RELEASE AND ANY OTHER RELEVANT INFORMATION.

26 (7) PRIOR TO THE INITIAL HEARING, THE PERSON, PROGRAM, OR  
27 AGENCY THAT HAS CONDUCTED THE PRETRIAL RELEASE SCREENING SHALL

1 PROVIDE ALL INFORMATION GATHERED REGARDING THE DEFENDANT,  
2 INCLUDING, BUT NOT LIMITED TO, THE RESULTS FROM ANY EMPIRICALLY  
3 DEVELOPED AND VALIDATED RISK ASSESSMENT INSTRUMENT AND THE  
4 ARREST AFFIDAVIT OR OTHER PROBABLE CAUSE STATEMENT TO THE  
5 PROSECUTION AND THE DEFENSE.

6 **SECTION 5.** In Colorado Revised Statutes, 16-4-105, **amend** (7)  
7 as follows:

8 **16-4-105. Conditions of release on bond.** (7) A person may be  
9 released on a bond with monetary condition of bond, when appropriate,  
10 as described in ~~section 16-4-104 (1)(c)~~ SECTION 16-4-104 (4).

11 **SECTION 6.** In Colorado Revised Statutes, **repeal and reenact,**  
12 **with amendments,** 16-4-106 as follows:

13 **16-4-106. Pretrial services programs - report.** (1) TO REDUCE  
14 BARRIERS TO THE PRETRIAL RELEASE OF PERSONS IN CUSTODY WHOSE  
15 RELEASE ON BOND WITH APPROPRIATE CONDITIONS REASONABLY ENSURES  
16 COURT APPEARANCE AND PUBLIC SAFETY, ALL COUNTIES AND CITIES AND  
17 COUNTIES SHALL DEVELOP BY JULY 1, 2020, A PRETRIAL SERVICES  
18 PROGRAM IN CONSULTATION WITH THE CHIEF JUDGE OF THE JUDICIAL  
19 DISTRICT THAT MAY BE UTILIZED BY THE COURTS OF THE JUDICIAL  
20 DISTRICT. IN ORDER TO ESTABLISH THE PRETRIAL SERVICES PROGRAM, THE  
21 CHIEF JUDGE OF EACH JUDICIAL DISTRICT SHALL ESTABLISH A COMMUNITY  
22 ADVISORY BOARD TO FORMULATE A PLAN FOR A PRETRIAL SERVICES  
23 PROGRAM. MEMBERSHIP ON SUCH COMMUNITY ADVISORY BOARD MUST  
24 INCLUDE, AT A MINIMUM, A REPRESENTATIVE OF A LOCAL LAW  
25 ENFORCEMENT AGENCY, A REPRESENTATIVE OF THE DISTRICT ATTORNEY,  
26 A REPRESENTATIVE OF THE PUBLIC DEFENDER, A VICTIM REPRESENTATIVE,  
27 AND AN INDIVIDUAL WHO HAS BEEN INCARCERATED IN THE JUDICIAL

1 DISTRICT OR A FAMILY MEMBER OF AN INDIVIDUAL WHO HAS BEEN  
2 INCARCERATED IN THE JUDICIAL DISTRICT. THE CHIEF JUDGE IS  
3 ENCOURAGED TO APPOINT TO THE COMMUNITY ADVISORY BOARD AT  
4 LEAST ONE COUNTY COMMISSIONER FROM A COUNTY WITHIN THE JUDICIAL  
5 DISTRICT. THE CHIEF JUDGE OF THE JUDICIAL DISTRICT SHALL APPROVE  
6 THE PLAN FORMULATED BY THE COMMUNITY ADVISORY BOARD PRIOR TO  
7 THE ESTABLISHMENT AND UTILIZATION OF THE PRETRIAL SERVICES  
8 PROGRAM. THE OPTION CONTAINED IN THIS SECTION THAT A PRETRIAL  
9 SERVICES PROGRAM BE ESTABLISHED PURSUANT TO A PLAN FORMULATED  
10 BY THE COMMUNITY ADVISORY BOARD DOES NOT APPLY TO ANY PRETRIAL  
11 SERVICES PROGRAM THAT EXISTED BEFORE MAY 31, 1991.

12 (2) A GOVERNMENTAL ENTITY MAY DIRECTLY OPERATE A  
13 PRETRIAL SERVICES PROGRAM APPROVED PURSUANT TO SUBSECTION (1)  
14 OF THIS SECTION OR ENTER INTO A CONTRACT WITH A PRIVATE NONPROFIT  
15 ENTITY OR AN AGREEMENT WITH ANOTHER LOCAL GOVERNMENTAL ENTITY  
16 TO PROVIDE PRETRIAL SERVICES IN THE COUNTY. A GOVERNMENTAL  
17 ENTITY SHALL NOT ENTER INTO A CONTRACT WITH A FOR-PROFIT ENTITY  
18 TO PROVIDE PRETRIAL SERVICES. PRIOR TO ENTERING INTO A CONTRACT  
19 WITH A PRIVATE NONPROFIT ENTITY, A GOVERNMENTAL ENTITY SHALL  
20 ENSURE THE PRIVATE NONPROFIT ENTITY SHALL OPERATE WITHOUT AN  
21 IDENTIFIABLE CONFLICT. ADDITIONALLY, EACH JUDGE REQUIRING  
22 PRETRIAL SERVICES SUPERVISION SHALL ENSURE THAT ANY SUPERVISION  
23 OR OTHER CONDITIONS OF RELEASE FOR A DEFENDANT UNDER PRETRIAL  
24 SUPERVISION ARE THE LEAST RESTRICTIVE CONDITIONS OF RELEASE AND  
25 ARE NOT REQUIRED FOR THE PURPOSES OF FINANCIAL BENEFIT OR GAIN BY  
26 AN ENTITY.

27

1           (3) A PRETRIAL SERVICES PROGRAM CREATED PURSUANT TO THIS  
2 SECTION MUST MEET THE MINIMUM STANDARDS DEVELOPED PURSUANT TO  
3 SUBSECTION (2) OF THIS SECTION AND THE FOLLOWING CRITERIA:

4           (a) THE PRETRIAL SERVICES PROGRAM MUST ESTABLISH A  
5 PROCEDURE FOR THE SCREENING OF PERSONS WHO ARE DETAINED DUE TO  
6 AN ARREST FOR THE ALLEGED COMMISSION OF A CRIME SO THAT SUCH  
7 INFORMATION MAY BE PROVIDED TO THE JUDGE OR OTHER DESIGNATED  
8 PERSON OR AGENCY WHO IS SETTING THE BOND AND CONDITIONS OF  
9 RELEASE. THE PRETRIAL SERVICES PROGRAM MUST PROVIDE INFORMATION  
10 THAT PROVIDES THE COURT WITH THE ABILITY TO MAKE AN APPROPRIATE  
11 INITIAL BOND DECISION THAT IS BASED UPON FACTS RELATING TO THE RISK  
12 THAT THE PERSON WILL FLEE PROSECUTION AND THE RISK OF DANGER TO  
13 ANY PERSON OR THE COMMUNITY.

14           (b) THE PRETRIAL SERVICES PROGRAM MUST MAKE ALL  
15 REASONABLE ATTEMPTS TO PROVIDE THE COURT OR OTHER DESIGNATED  
16 PERSON OR AGENCY WITH SUCH INFORMATION DELINEATED IN THIS  
17 SECTION AS IS APPROPRIATE TO EACH PERSON SEEKING RELEASE FROM  
18 CUSTODY FOR PURPOSES OF SETTING BOND AND CONDITIONS OF RELEASE;

19           (c) THE PRETRIAL SERVICES PROGRAM MUST USE AN EMPIRICALLY  
20 DEVELOPED PRETRIAL RISK ASSESSMENT TOOL THAT HAS BEEN APPROVED  
21 FOR USE BY THE STATE COURT ADMINISTRATOR PURSUANT TO SECTION  
22 13-3-101 (11)(b), TO ASSESS A PERSON'S PREDICTIVE LEVEL OF PRETRIAL  
23 RISK ALONG WITH A STRUCTURED DECISION-MAKING DESIGN BASED UPON  
24 THE PERSON'S CHARGE AND THE RISK ASSESSMENT SCORE; AND

25           (d) THE PRETRIAL SERVICES PROGRAM MUST WORK WITH ALL  
26 APPROPRIATE AGENCIES AND ASSIST WITH ALL EFFORTS TO COMPLY WITH  
27 SECTIONS 24-4.1-302.5 AND 24-4.1-303.

1           (4) ANY PRETRIAL SERVICES PROGRAM MAY ALSO INCLUDE  
2 DIFFERENT METHODS AND LEVELS OF COMMUNITY-BASED SUPERVISION AS  
3 A CONDITION OF RELEASE, AND THE PRETRIAL SERVICES PROGRAM MUST  
4 USE ESTABLISHED METHODS FOR PERSONS WHO ARE RELEASED PRIOR TO  
5 TRIAL IN ORDER TO DECREASE UNNECESSARY PRETRIAL DETENTION. THE  
6 PRETRIAL SERVICES PROGRAM MAY INCLUDE, BUT IS NOT LIMITED TO,  
7 COURT DATE REMINDERS AND THE LEAST RESTRICTIVE CONDITIONS OF  
8 RELEASE AS OUTLINED IN SECTION 16-4-105 (8).

9           (5) (a) COMMENCING JULY 1, 2012, EACH PRETRIAL SERVICES  
10 PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL PROVIDE AN  
11 ANNUAL REPORT TO THE JUDICIAL DEPARTMENT NO LATER THAN  
12 NOVEMBER 1 OF EACH YEAR, REGARDLESS OF WHETHER THE PROGRAM  
13 EXISTED PRIOR TO MAY 31, 1991. NOTWITHSTANDING SECTION 24-1-136  
14 (11)(a)(I), THE JUDICIAL DEPARTMENT SHALL PRESENT AN ANNUAL  
15 COMBINED REPORT TO THE JUDICIARY COMMITTEES OF THE HOUSE OF  
16 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES.  
17 THE REPORT TO THE JUDICIAL DEPARTMENT MUST INCLUDE, BUT IS NOT  
18 LIMITED TO, THE FOLLOWING INFORMATION:

19           (I) THE TOTAL NUMBER OF PRETRIAL ASSESSMENTS PERFORMED BY  
20 THE PRETRIAL SERVICES PROGRAM AND SUBMITTED TO THE COURT;

21           (II) THE TOTAL NUMBER OF CLOSED CASES BY THE PRETRIAL  
22 SERVICES PROGRAM IN WHICH THE PERSON WAS RELEASED FROM CUSTODY  
23 AND SUPERVISED BY THE PRETRIAL SERVICES PROGRAM;

24           (III) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON  
25 WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PRETRIAL  
26 SERVICES PROGRAM, AND, WHILE UNDER SUPERVISION, APPEARED FOR ALL  
27 SCHEDULED COURT APPEARANCES ON THE CASE;

1 (IV) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON  
2 WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PRETRIAL  
3 SERVICES PROGRAM, AND WAS NOT CHARGED WITH A NEW CRIMINAL  
4 OFFENSE THAT WAS ALLEGED TO HAVE OCCURRED WHILE UNDER  
5 SUPERVISION AND THAT CARRIED THE POSSIBILITY OF A SENTENCE TO JAIL  
6 OR IMPRISONMENT;

7 (V) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON  
8 WAS RELEASED FROM CUSTODY AND WAS SUPERVISED BY THE PRETRIAL  
9 SERVICES PROGRAM, AND THE PERSON'S BOND WAS NOT REVOKED BY THE  
10 COURT DUE TO A VIOLATION OF ANY OTHER TERMS AND CONDITIONS OF  
11 SUPERVISION; AND

12 (VI) ANY ADDITIONAL INFORMATION THE JUDICIAL DEPARTMENT  
13 MAY REQUEST.

14 (b) THE ANNUAL REPORT REQUIRED BY SUBSECTION (5)(a) OF THIS  
15 SECTION BEGINNING IN 2020 AND EACH YEAR THEREAFTER MUST INCLUDE:

16 (I) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON  
17 WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PRETRIAL  
18 SERVICES PROGRAM, AND, WHILE UNDER SUPERVISION, DID NOT HAVE A  
19 FAILURE TO APPEAR IN COURT THAT WAS NOT FOLLOWED UP BY A COURT  
20 APPEARANCE IN THAT CASE:

21 (A) WITHIN 30 DAYS; AND

22 (B) WITHIN 90 DAYS.

23 (II) THE TOTAL NUMBER OF CLOSED CASES IN WHICH THE PERSON  
24 WAS RELEASED FROM CUSTODY, WAS SUPERVISED BY THE PRETRIAL  
25 SERVICES PROGRAM, AND WAS NOT CHARGED WITH A NEW CRIMINAL  
26 OFFENSE THAT CONSTITUTES A CRIME AS DEFINED IN SECTION 24-4.1-302  
27 (1) THAT WAS ALLEGED TO HAVE OCCURRED WHILE UNDER SUPERVISION.

1           (6) FOR THE REPORTS REQUIRED IN SUBSECTION (5) OF THIS  
2 SECTION, THE PRETRIAL SERVICES PROGRAM MUST INCLUDE INFORMATION  
3 DETAILING THE NUMBER OF PERSONS RELEASED ON A COMMERCIAL  
4 SURETY BOND IN ADDITION TO PRETRIAL SUPERVISION, THE NUMBER OF  
5 PERSONS RELEASED ON A CASH, PRIVATE SURETY, OR PROPERTY BOND IN  
6 ADDITION TO PRETRIAL SUPERVISION, AND THE NUMBER OF PERSONS  
7 RELEASED ON ANY FORM OF A PERSONAL RECOGNIZANCE BOND IN  
8 ADDITION TO PRETRIAL SUPERVISION.

9           **SECTION 7.** In Colorado Revised Statutes, **add 16-4-106.5** as  
10 follows:

11           **16-4-106.5. Pretrial services cash fund created.** (1) THERE IS  
12 CREATED IN THE STATE TREASURY THE PRETRIAL SERVICES CASH FUND,  
13 REFERRED TO IN THIS SECTION AS THE "FUND", THAT CONSISTS OF ANY  
14 MONEY APPROPRIATED BY THE GENERAL ASSEMBLY TO THE FUND AND ANY  
15 MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS. THE MONEY  
16 IN THE FUND IS SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL  
17 ASSEMBLY FOR THE IMPLEMENTATION OF THIS SECTION. THE STATE COURT  
18 ADMINISTRATOR IS AUTHORIZED TO ACCEPT ON BEHALF OF THE STATE ANY  
19 GIFTS, GRANTS, OR DONATIONS FROM ANY PRIVATE OR PUBLIC SOURCE FOR  
20 THE PURPOSE OF THIS SECTION. ALL PRIVATE AND PUBLIC MONEY  
21 RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS MUST BE  
22 TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME  
23 TO THE FUND.

24           (2) MONEY IN THE FUND MUST BE USED TO FUND INDIVIDUAL  
25 COUNTIES OR COUNTIES WORKING IN COOPERATION WITH EACH OTHER  
26 THAT REQUEST FUNDS TO OPERATE OR ASSIST IN THE OPERATION OF A  
27 PRETRIAL SERVICES PROGRAM AS REQUIRED BY SECTION 16-4-106 (1).

1 MONEY MAY BE USED FOR THE ADMINISTRATIVE AND PERSONNEL COSTS  
2 RELATED TO THE OPERATION OF PRETRIAL SERVICES PROGRAMS AND ANY  
3 ADJUNCT SERVICES INCLUDING, BUT NOT LIMITED TO, PROGRAM  
4 DEVELOPMENT, ASSESSMENT SERVICES, CONTRACT SERVICES,  
5 MONITORING, AND SUPERVISION SERVICES. COUNTIES AND COUNTIES  
6 WORKING IN COOPERATION WITH EACH OTHER ARE ENCOURAGED TO SEEK  
7 FUNDING WHEN NECESSARY TO IMPLEMENT LOCALLY BASED PROGRAMS  
8 DESIGNED TO ACHIEVE THE GOALS OF EFFECTIVE PRETRIAL ASSESSMENT  
9 AND SUPERVISION. IF A COUNTY IS UNABLE TO OPERATE A PRETRIAL  
10 SERVICES PROGRAM AS REQUIRED BY SECTION 16-4-106 (1), THE COUNTY  
11 SHALL REQUEST A WAIVER FROM COMPLIANCE FROM THE STATE COURT  
12 ADMINISTRATOR OUTLINING THE REASONS THE COUNTY IS UNABLE TO  
13 PROVIDE A PRETRIAL SERVICES PROGRAM DESPITE A POTENTIAL  
14 ALLOCATION FROM THE PRETRIAL SERVICES CASH FUND. THE WAIVER  
15 REQUEST SHALL DESCRIBE WHAT NECESSARY RESOURCES ARE  
16 UNAVAILABLE THAT PREVENT THE ESTABLISHMENT OF A PRETRIAL  
17 SERVICES PROGRAM IN THAT COUNTY, WHICH MAY INCLUDE, BUT ARE NOT  
18 LIMITED TO, THE NECESSARY AMOUNT OF FUNDING, THE LACK OF  
19 NECESSARY INFRASTRUCTURE, OR THE LACK OF PERSONNEL OR PROGRAM  
20 SERVICES WITHIN THAT COMMUNITY.

21  
22 **SECTION 8.** In Colorado Revised Statutes, **repeal and reenact,**  
23 **with amendments,** 16-4-107 as follows:

24 **16-4-107. Time frames for commencement of action.**  
25 (1) AFTER THE INITIAL HEARING AS PROVIDED BY SECTION 16-4-104, THE  
26 COURT SHALL ORDER THAT THE COMMENCEMENT OF THE CRIMINAL  
27 PROSECUTION BY THE FILING OF A COMPLAINT OR INFORMATION,

1 PURSUANT TO THE PROVISIONS OF SECTION 16-5-101, MUST TAKE PLACE  
2 WITHIN THREE DAYS AFTER THE INITIAL HEARING, EXCLUDING SATURDAY,  
3 SUNDAY, AND LEGAL HOLIDAYS, UNLESS GOOD CAUSE IS SHOWN TO THE  
4 COURT FOR ADDITIONAL TIME OR THE PARTIES AGREE TO ADDITIONAL  
5 TIME.

6 (2) A DEFENDANT IN CUSTODY HAS SCHEDULING PRECEDENCE  
7 OVER ALL OTHER MATTERS FOR PURPOSES OF LITIGATED HEARINGS AND  
8 TRIALS, SUBJECT TO THE PROVISIONS OF SECTIONS 18-3-411 (4) AND  
9 SECTION 18-1-405.

10 **SECTION 9.** In Colorado Revised Statutes, **repeal and reenact,**  
11 **with amendments,** 16-4-109 as follows:

12 **16-4-109. Reduction or increase of monetary conditions of**  
13 **bond - change in type of bond or conditions of bond - definition.**

14 (1) THE DEFENDANT, THE PROSECUTING ATTORNEY, OR THE BONDING AND  
15 RELEASE COMMISSIONER MAY ASK FOR THE REVIEW AND MODIFICATION OF  
16 ANY MONETARY OR NONMONETARY CONDITION OF BOND IF NEW  
17 INFORMATION IS DISCOVERED THAT WAS NOT PRESENTED AT THE TIME OF  
18 THE ORIGINAL SETTING OF BOND AND CONDITIONS OF RELEASE OR IF  
19 CIRCUMSTANCES HAVE CHANGED SINCE THE COURT MADE THE BOND  
20 DETERMINATION AND THIS NEW INFORMATION OR CHANGE IN  
21 CIRCUMSTANCES HAS A BEARING ON WHETHER THE CONDITION OF BOND  
22 IS REASONABLE AND NECESSARY PURSUANT TO THE PROVISIONS OF THIS  
23 SECTION.

24 (2) REQUESTS FOR REVIEW OR MODIFICATION OF A MONETARY OR  
25 NONMONETARY CONDITION OF BOND MAY BE MADE ORALLY OR IN WRITING  
26 WITH REASONABLE NOTICE TO THE OPPOSING PARTY; EXCEPT THAT, IF THE  
27 CASE ALLEGES A CRIME AS DEFINED IN SECTION 24-4.1-302, THE REQUEST

1 FOR REVIEW MUST BE IN WRITING.

2 (3) THE COURT SHALL HEAR THE REQUEST FOR REVIEW OF A  
3 MONETARY CONDITION OF BOND ON AN EXPEDITED BASIS AND MAKE A  
4 DETERMINATION ON THE RECORD IN ORDER THAT THE DEFENDANT MAY  
5 EXERCISE HIS OR HER RIGHT TO APPEAL PURSUANT TO SECTION 16-4-204,  
6 OR ANY OTHER AVAILABLE APPELLATE REMEDIES.

7 (4) (a) UPON VERIFIED APPLICATION BY THE DISTRICT ATTORNEY  
8 OR A BONDING AND RELEASE COMMISSIONER STATING FACTS OR  
9 CIRCUMSTANCES CONSTITUTING A BREACH OR A THREATENED BREACH OF  
10 ANY OF THE CONDITIONS OF THE BOND, THE COURT MAY ISSUE A WARRANT  
11 COMMANDING ANY PEACE OFFICER TO BRING THE DEFENDANT WITHOUT  
12 UNNECESSARY DELAY BEFORE THE COURT FOR A HEARING ON THE  
13 MATTERS SET FORTH IN THE APPLICATION. UPON ISSUANCE OF THE  
14 WARRANT, THE BONDING AND RELEASE COMMISSIONER SHALL NOTIFY THE  
15 BAIL BOND AGENT OF RECORD BY ELECTRONIC MAIL TO THE AGENT IF  
16 AVAILABLE WITHIN TWENTY-FOUR HOURS OR BY CERTIFIED MAIL NOT  
17 MORE THAN FOURTEEN DAYS AFTER THE WARRANT IS ISSUED. AT THE  
18 CONCLUSION OF THE HEARING, THE COURT MAY ENTER AN ORDER  
19 AUTHORIZED BY SUBSECTION (1) OF THIS SECTION. IF A BONDING AND  
20 RELEASE COMMISSIONER FILES AN APPLICATION FOR A HEARING PURSUANT  
21 TO THIS SUBSECTION (4), THE BONDING COMMISSIONER SHALL NOTIFY THE  
22 DISTRICT ATTORNEY FOR THE JURISDICTION IN WHICH THE APPLICATION IS  
23 MADE OF THE APPLICATION WITHIN TWENTY-FOUR HOURS FOLLOWING THE  
24 FILING OF THE APPLICATION.

25 (b) AS USED IN THIS SUBSECTION (4), "BONDING AND RELEASE  
26 COMMISSIONER" MEANS A PERSON EMPLOYED BY A PRETRIAL SERVICES  
27 PROGRAM AS DESCRIBED IN SECTION 16-4-106, OR ANY OTHER PERSON

1 DESIGNATED AS A BONDING AND RELEASE COMMISSIONER BY THE CHIEF OR  
2 PRESIDING JUDGE OF THE JUDICIAL DISTRICT TO CARRY OUT THE  
3 PROVISIONS OF THIS ARTICLE 4.

4 (5) THE DISTRICT ATTORNEY AND THE DEFENDANT OR HIS OR HER  
5 ATTORNEY HAS THE RIGHT TO APPEAR AT ALL HEARINGS SEEKING  
6 MODIFICATION OF THE TERMS AND CONDITIONS OF BOND AND MAY ADVISE  
7 THE COURT ON ALL PERTINENT MATTERS DURING THE HEARING.

8 **SECTION 10.** In Colorado Revised Statutes, 10-23-105, **amend**  
9 (1) and (2) as follows:

10 **10-23-105. Qualification bond - forfeiture.** (1) Each  
11 cash-bonding agent shall post a cash qualification bond of fifty thousand  
12 dollars with the division. The bond must be to the people of the state of  
13 Colorado in favor of any court in this state, whether municipal, county,  
14 district, or other court, and to the division for the purposes of this section.  
15 In the event of a forfeiture of a cash-bonding agent's qualification bond,  
16 the division has priority over all other claimants. To comply with this  
17 subsection (1), the bond must be conditioned upon full and prompt  
18 payment into the court ordering the bond forfeited. Cash-bonding agents  
19 shall not issue bonds except in accordance with ~~section 16-4-104~~  
20 ~~(1)(c)(III), C.R.S.~~ SECTION 16-4-104 (4)(c)(III). In the event of a  
21 qualification bond forfeiture, a cash-bonding agent shall not write new  
22 bail bonds until the qualification bond is restored to fifty thousand dollars.

23 (2) Each professional cash-bail agent shall post a cash  
24 qualification bond of no less than fifty thousand dollars with the division.  
25 The bond shall be to the people of the state of Colorado in favor of any  
26 court in this state, whether municipal, county, district, or other court, and  
27 to the division for the purposes of this section. A professional cash-bail

1 agent shall not furnish a single bail greater than twice the amount of the  
2 bond posted with the division. In the event of a forfeiture of a  
3 professional cash-bail agent's qualification bond, the division has priority  
4 over all other claimants to the bond. To comply with this subsection (2),  
5 the bond must be conditioned upon full and prompt payment into the  
6 court ordering the bond forfeited. Professional cash-bail agents shall not  
7 issue bonds except in accordance with ~~section 16-4-104(1)(c)(III), C.R.S.~~  
8 SECTION 16-4-104 (4)(c)(III). In the event of a qualification bond  
9 forfeiture, a professional cash-bail agent shall not write new bail bonds  
10 until the qualification bond is restored to at least fifty thousand dollars.

11 **SECTION 11.** In Colorado Revised Statutes, 13-3-101, **add** (11)  
12 as follows:

13 **13-3-101. State court administrator - repeal.** (11) (a) ON OR  
14 BEFORE JANUARY 1, 2020, THE STATE COURT ADMINISTRATOR SHALL, IN  
15 CONSULTATION WITH PRETRIAL SERVICES PROGRAMS AND RELEVANT  
16 PROFESSIONAL ASSOCIATIONS, INCLUDING BUT NOT LIMITED TO ANY  
17 COLORADO ASSOCIATION OF PRETRIAL SERVICES, ESTABLISH AND  
18 MAINTAIN MINIMUM STANDARDS FOR PRETRIAL SERVICES PROGRAMS  
19 APPROVED PURSUANT TO SECTION 16-4-106 (1). THE STATE COURT  
20 ADMINISTRATOR SHALL PROVIDE ADMINISTRATIVE OVERSIGHT OF  
21 PRETRIAL SERVICES PROGRAMS AND THEIR OPERATIONS ACCORDING TO  
22 UNIFORM STANDARDS AND PROTOCOLS ESTABLISHED BY THE STATE COURT  
23 ADMINISTRATOR. THE STATE COURT ADMINISTRATOR SHALL REVIEW ANY  
24 WAIVER REQUESTS SUBMITTED BY ANY COUNTY PURSUANT TO THE  
25 PROVISIONS OF SECTION 16-4-106.5 TO DETERMINE IF ANY TECHNICAL  
26 ASSISTANCE CAN BE PROVIDED TO THE COUNTY TO ALLOW FOR THE  
27 DEVELOPMENT OF A PRETRIAL SERVICES PROGRAM. THE WAIVER REQUESTS

1 SUBMITTED TO THE STATE COURT ADMINISTRATOR SHALL BE INCLUDED IN  
2 THE ANNUAL REPORT AS DESCRIBED IN SECTION 16-4-106 (5) AND (6)  
3 ALONG WITH ANY RECOMMENDATIONS TO THE GENERAL ASSEMBLY  
4 REGARDING METHODS OR FUNDING NEEDED TO ACHIEVE PRETRIAL  
5 SERVICES IN EVERY COUNTY IN THE STATE.

6 (b) (I) THE STATE COURT ADMINISTRATOR SHALL REVIEW AND  
7 APPROVE EMPIRICALLY DEVELOPED AND VALIDATED RISK ASSESSMENT  
8 INSTRUMENTS TO BE USED BY PRETRIAL SERVICES PROGRAMS AND  
9 JUDICIAL OFFICERS.

10 (II) (A) BEGINNING ON JULY 1, 2021, ANY RISK ASSESSMENT  
11 INSTRUMENT APPROVED FOR USE MUST HAVE BEEN EVALUATED,  
12 DEVELOPED, AND VALIDATED IN COLORADO TO MAXIMIZE ACCURACY AND  
13 TO STATISTICALLY MINIMIZE BIAS ON THE BASIS OF RACE, ETHNICITY, AND  
14 GENDER. ADDITIONALLY, JUDICIAL RELIANCE ON THE ASSESSMENT IN  
15 PRETRIAL DECISION-MAKING MUST BE EVALUATED FOR BIAS ON THE BASIS  
16 OF RACE, ETHNICITY, AND GENDER. THE EVALUATIONS REQUIRED IN THIS  
17 SECTION MUST BE COMPLETED BY THE DIVISION OF CRIMINAL JUSTICE IN  
18 THE DEPARTMENT OF PUBLIC SAFETY OR A NONPROFIT RESEARCH  
19 ORGANIZATION.

20 (B) ANY APPROVED RISK ASSESSMENT INSTRUMENT MUST BE  
21 EVALUATED FOR ACCURACY AND FOR BIAS AS DESCRIBED IN SUBSECTION  
22 (11)(b)(II)(A) OF THIS SECTION EVERY THREE YEARS.

23 (C) THE JUDICIAL DEPARTMENT AND THE DEPARTMENT OF PUBLIC  
24 SAFETY, AS PART OF THEIR HEARINGS REQUIRED BY SECTION 2-7-203(2),  
25 SHALL PRESENT THE FINDINGS OF ANY STUDY CONDUCTED TO EVALUATE  
26 A RISK ASSESSMENT INSTRUMENT FOR BIAS AND EFFORTS TO REDUCE ANY  
27 IDENTIFIED BIAS.

1 (D) THE JUDICIAL DEPARTMENT AND THE DEPARTMENT OF PUBLIC  
2 SAFETY SHALL COOPERATE TO DEVELOP AND AGREE UPON STATISTICAL  
3 AND REPORTING METHODOLOGIES TO BE USED FOR THE REPORTING  
4 DESCRIBED IN THIS SUBSECTION (11)(b)(II) AND SHALL SUBMIT A PLAN FOR  
5 IMPLEMENTATION OF THE STATISTICAL AND REPORTING METHODOLOGIES  
6 TO THE GENERAL ASSEMBLY BY JANUARY 1, 2020.

7 (III) BEGINNING ON JANUARY 1, 2024, ANY RISK ASSESSMENT  
8 INSTRUMENT APPROVED FOR USE MUST PROVIDE PRETRIAL  
9 DECISION-MAKERS SEPARATE RISK CATEGORY INFORMATION FOR EACH OF  
10 THE PRETRIAL RISKS IDENTIFIED IN SECTION 16-4-104 (1)(a)(I) AND  
11 (1)(a)(II) IF STATISTICALLY POSSIBLE.

12 (IV) IN ORDER TO EVALUATE AN APPROVED RISK ASSESSMENT  
13 INSTRUMENT FOR BIAS AND PROPER MEASUREMENT OF RISK FACTORS,  
14 BEGINNING ON JANUARY 1, 2020, EACH JURISDICTION USING A RISK  
15 ASSESSMENT INSTRUMENT SHALL COLLECT ALL RELEVANT DATA AS  
16 REQUESTED BY THE STATE COURT ADMINISTRATOR IN CONJUNCTION WITH  
17 THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC  
18 SAFETY. THIS DATA MUST INCLUDE, AT A MINIMUM, THE FOLLOWING  
19 INFORMATION FOR EACH PERSON ASSESSED:

20 (A) RACE, ETHNICITY, AND GENDER;

21 (B) THE PRETRIAL RISK CATEGORY;

22 (C) SCORES ASSIGNED TO EACH UNDERLYING VARIABLE USED BY  
23 A RISK ASSESSMENT INSTRUMENT;

24 (D) THE TOTAL RISK ASSESSMENT INSTRUMENT SCORE;

25 (E) ANY RECOMMENDATION MADE BY A STRUCTURED  
26 DECISION-MAKING DESIGN, IF AVAILABLE;

27 (F) WHETHER THE RECOMMENDATION OF A STRUCTURED

1 DECISION-MAKING DESIGN WAS FOLLOWED BY THE COURT, IF AVAILABLE;

2 (G) THE BOND TYPE SET BY THE COURT;

3 (H) THE CONDITIONS OF BOND SET BY THE COURT, WHICH MUST  
4 INCLUDE, BUT IS NOT LIMITED TO, THE MONETARY CONDITIONS IMPOSED;

5 (I) WHETHER THE DEFENDANT WAS RELEASED;

6 (J) IF THE DEFENDANT FAILED TO APPEAR FOR COURT WHILE ON  
7 SUPERVISION, WHETHER THE DEFENDANT SUBSEQUENTLY APPEARED IN  
8 THAT CASE WITHIN THIRTY DAYS, NINETY DAYS, AND ONE HUNDRED  
9 TWENTY DAYS;

10 (K) THE PRETRIAL SUPERVISION OUTCOME; AND

11 (L) THE RESULTS OF ANY ADDITIONAL ASSESSMENTS USED IN  
12 ORDER TO PROVIDE ADDITIONAL INFORMATION TO THE COURT.

13 (V) UPON REQUEST BY THE DIVISION OF CRIMINAL JUSTICE IN THE  
14 DEPARTMENT OF PUBLIC SAFETY, THE STATE COURT ADMINISTRATOR  
15 SHALL PROVIDE ANY AVAILABLE INFORMATION NECESSARY TO EVALUATE  
16 AN APPROVED RISK ASSESSMENT PURSUANT TO THIS SECTION.

17 (c) THE STATE COURT ADMINISTRATOR SHALL PROVIDE TECHNICAL  
18 ASSISTANCE TO LOCAL PRETRIAL SERVICES PROGRAM STAKEHOLDERS TO  
19 INCLUDE TRAINING, EDUCATION, INFORMATIONAL MATERIALS, AND TOOLS  
20 TO TRACK OUTCOMES AND FIDELITY TO BEST PRACTICES. THE STATE  
21 COURT ADMINISTRATOR SHALL COLLECT, ANALYZE, AND REPORT  
22 CENTRALIZED DATA TO IDENTIFY PRETRIAL RELEASE SERVICES TRENDS  
23 AND OUTCOMES THROUGHOUT THE STATE.

24 (d) THE STATE COURT ADMINISTRATOR SHALL ALLOCATE MONEY  
25 FROM THE PRETRIAL SERVICES CASH FUND ESTABLISHED IN SECTION  
26 16-4-106.5. THE STATE COURT ADMINISTRATOR SHALL DEVELOP AND  
27 MAINTAIN AN ANNUAL FORMULA FUNDING MODEL TO EQUITABLY AND

1 OBJECTIVELY ALLOCATE AND DISTRIBUTE THE PRETRIAL SERVICES CASH  
2 FUND AMONG COUNTIES THAT REQUEST MONEY FOR PRETRIAL SERVICES.  
3 COUNTIES WITHOUT PRETRIAL SERVICES PROGRAMS AS OF JULY 1, 2019,  
4 MUST BE THE HIGHEST PRIORITY FOR ALLOCATIONS FROM THE PRETRIAL  
5 SERVICES CASH FUND. █

6 (e) THE STATE COURT ADMINISTRATOR SHALL ESTABLISH  
7 ADMINISTRATIVE REPORTING PROCEDURES TO BE USED BY PRETRIAL  
8 SERVICES PROGRAMS. THE STATE COURT ADMINISTRATOR SHALL USE  
9 PRETRIAL SERVICES PROGRAM REPORTS TO ENSURE:

10 (I) EACH PRETRIAL SERVICES PROGRAM'S USE OF MONEY IS  
11 CONSISTENT WITH THE GENERAL ASSEMBLY'S INTENT AS SET FORTH IN  
12 SECTION 16-4-106.5; AND

13 (II) THE JUDICIAL DEPARTMENT MEETS ITS REPORTING  
14 REQUIREMENTS AS SET FORTH IN SECTION 16-4-106 (5) AND (6).

15 █

16 **SECTION 12.** In Colorado Revised Statutes, 16-4-111, **amend**  
17 (3) as follows:

18 **16-4-111. Disposition of security deposits upon forfeiture or**  
19 **termination of bond.** (3) When the defendant has been released upon  
20 deposit of cash or property, upon an unsecured personal recognizance  
21 bond with a monetary condition pursuant to section 16-4-104, ~~(1)(a)~~ or  
22 ~~(1)(b)~~, or upon a surety bond secured by property, if the defendant fails  
23 to appear in accordance with the primary condition of the bond, the court  
24 shall declare a forfeiture. Notice of the order of forfeiture shall be mailed  
25 by the court to the defendant, all sureties, and all depositors or assignees  
26 of any deposits of cash or property if such sureties, depositors, or  
27 assignees have direct contact with the court, at their last-known addresses.

1 Such notice shall be sent within fourteen days after the entry of the order  
2 of forfeiture. If the defendant does not appear and surrender to the court  
3 having jurisdiction within thirty-five days from the date of the forfeiture  
4 or within that period satisfy the court that appearance and surrender by  
5 the defendant is impossible and without fault by such defendant, the court  
6 may enter judgment for the state against the defendant for the amount of  
7 the bond and costs of the court proceedings. Any cash deposits made with  
8 the clerk of the court shall be applied to the payment of costs. If any  
9 amount of such cash deposit remains after the payment of costs, it shall  
10 be applied to payment of the judgment.

11 **SECTION 13.** In Colorado Revised Statutes, 16-4-203, **amend**  
12 (4) as follows:

13 **16-4-203. Appeal bond hearing - order.** (4) Upon written  
14 motion of the state or the defendant, the sentencing court may increase or  
15 reduce the amount of appeal bond, alter the security for or conditions of  
16 the appeal bond, or revoke the appeal bond. Notice of hearing on the  
17 motion shall be given in the manner provided in ~~section 16-4-107~~  
18 SECTION 16-4-109.

19 **SECTION 14.** In Colorado Revised Statutes, 16-8.5-105, **amend**  
20 (1)(c) as follows:

21 **16-8.5-105. Evaluations and report.** (1) (c) The court, when  
22 setting bond pursuant to ~~section 16-4-103~~ SECTION 16-4-104, if the  
23 defendant is eligible for bond, and after receiving any information  
24 pursuant to section 16-4-106, shall not consider the need for the  
25 defendant to receive an evaluation pursuant to this ~~article~~ ARTICLE 8.5.

26 **SECTION 15.** In Colorado Revised Statutes, 19-2-509, **amend**  
27 (4)(a) as follows:

1           **19-2-509. Bail.** (4) (a) In determining the type of bond and  
2 conditions of release for the juvenile, the judge or magistrate fixing the  
3 same shall consider the criteria set forth in ~~section 16-4-103, C.R.S.~~  
4 SECTION 16-4-104.

5           **SECTION 16. Safety clause.** The general assembly hereby finds,  
6 determines, and declares that this act is necessary for the immediate  
7 preservation of the public peace, health, and safety.